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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRISTAN D. ALLAN,

 Plaintiff,

 v.

P. SAHOTA, et. al.,

 Defendants.

No. 2:16-cv-00695 AC P

ORDER

On August 28, 2017, defendants Chaiken and Sahota (“defendants”) filed a motion to dismiss plaintiff’s complaint against them for lack of subject matter jurisdiction. ECF No. 18. On September 11, 2017, plaintiff filed an opposition (ECF No. 21), a request to amend his complaint (ECF No. 23), and a first amended complaint (ECF No. 24). On September 15, 2017, defendants moved to withdraw their motion to dismiss as moot based on the first amended complaint. ECF No. 25. They acknowledge that plaintiff’s first amended complaint is timely. Id. at 1-2. They have also indicated their intent to respond to that complaint. Id. at 2.

Accordingly, it is HEREBY ORDERED that:

- 1. Based on defendants’ reply, the motion to dismiss (ECF No. 18) is MOOT;
- 2. The Clerk of Court shall terminate that motion; and

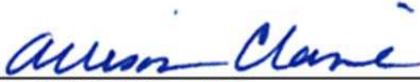
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3. This action now proceeds based on plaintiff's first amended complaint (ECF No. 24).

IT IS SO ORDERED.

DATED: September 18, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE